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SUBJECT: The Latvian Court System: A Primer

¶1. (U) Summary: Latvia's civil law judicial system is a three tier structure consisting of district or city courts, regional courts, and headed by a Supreme Court. All civil and criminal matters go through these courts. The Constitutional Court is a fully independent body whose mandate is to interpret the constitution and handle matters related to the violation of rights afforded to individuals by the constitution. This cable provides basic information on structure of the Latvian court system. End Summary.

#### A Three Level Court System

¶2. (U) Latvia has a three level court system: District or city courts, regional courts and the Supreme Court. These courts have jurisdiction on civil, criminal and administrative cases. District or city courts are the courts of first instance. There are 34 such courts in Latvia. Regional courts function as appeal courts and as the courts of first instance for larger civil lawsuits and particular kinds of serious criminal cases. Latvia has five regional courts. All regional courts have separate departments for civil and criminal cases.

#### The Supreme Court

¶3. (U) The Supreme Court is the highest level court and its decisions are final. The Supreme Court functions as the court of cassation - only the application of the law rather than the subject matter is reviewed - and as the court of appeal for cases where regional courts have served as the first instance. The Supreme Court is divided into a chamber of civil appeal, a chamber of criminal appeal, and the Senate. The Supreme Court also has the authority to pardon individuals convicted by military tribunals and the courts during the Soviet occupation of Latvia.

¶4. (U) The Senate handles decisions involving cassation appeals, participates in working groups to prepare opinions on draft laws; participates in the council on judicial training and the council on judicial discipline; and participates in continued education courses for judges of district and regional courts.

¶5. (U) The Plenum of the Supreme Court - comprised of the full Supreme Court - may adopt legally binding explanations with regard to the application of the law. The Plenum offers an opinion on whether there are grounds for the dismissal of the President of the Supreme Court or the dismissal of the Prosecutor General. The Plenum also has the authority to confirm which justices will serve in the Senate and the two chambers, to elect the chairpersons of the Senate Departments, to elect the Chairperson of the Supreme Court Chambers, to elect two deputy Chief Justices, as well as to decide other important issues related to the operation of the Court.

¶6. (U) Neither the Chief Justice nor the Supreme Court Justices can control or instruct the judges of a lower level court on adjudication of specific cases or regarding the operation of lower level courts.

17. (U) The total number of Supreme Court Justices is determined by the Parliament based on the recommendation of the Chief Justice, and is currently 46. The Chief Justice is selected from among the justices for confirmation by the Parliament and has responsibility for oversight of the work of the Supreme Court. The President of the Supreme Court is appointed for seven years. Sixty percent of the Supreme Court is female.

#### The Supreme Court Chief Justice

18. (U) The current Chief Justice, Mr. Andris Gulans, has served as the Chief Justice since 1994, having been reelected in 2001, but he has stated he will not consider another term and he will step down next year. Currently, the Supreme Court consists of 23 justices of the Senate, including the Chief Justice, and 23 justices who serve in the Supreme Court's Chambers. The Chief Justice has the authority to recommend individuals to be confirmed for a position as justice, based upon recommendation made by the Judicial Qualifications Committee and elected by the national judge conference for four years. The Judicial Qualifications Committee is comprised of five Supreme Court judges, two regional court judges, two district judges and two judges from the land registry court. Supreme Court justices are confirmed by the Parliament for service until the age of 70. Upon a recommendation by the Judicial Qualifications Committee, the Chief Justice may extend the term of a 70 year old justice for an additional five year term. The Chief Justice presides over the Plenary Session of the Supreme Court as well as the sessions of the Supreme Court Senate. The Chief Justice is not permitted to issue instructions to justices with regard to the review of any case pending before the Supreme Court, to request information or report on any cases decided, nor inquire with regard to any opinions expressed in the decision-making process. However, the Chief Justice may request information from a justice about his or her review of a case in order to determine whether grounds exist for the initiation of disciplinary proceedings in the disciplinary committee, which he chairs.

#### The Constitutional Court

19. (U) The Constitutional Court of Latvia consists of seven judges and is an independent body separate from the Supreme Court. The Constitutional Court reviews the following types of cases: 1) compliance of laws with the Constitution; 2) compliance with the Constitution of international agreements signed or entered into by Latvia; 3) Compliance of official acts (with the exception of administrative acts) by the Parliament, the Cabinet of Ministers, the President, the Chairperson of the Parliament and the Prime Minister with the law; 4) and Compliance of Latvian law with the international agreements entered into by Latvia.

110. (U) The Constitutional Court does not have the right to initiate cases, it can only review a case after a claim has been filed by one of the following: the President, the Parliament as a whole or by at least twenty members of the Parliament, the Cabinet of Ministers, the Plenum of the Supreme Court, the Prosecutor General, the Council of the State Control, the State Human Rights Bureau, the Council of a Municipality, or a Minister. In 2000 the Constitutional Court Law was amended to allow for any person, who believes that his or her fundamental rights, as set out in the Constitution, have been violated.

111. (U) The Court consists of 7 justices nominated by the Plenum of the Supreme Court and confirmed by a majority vote of the parliament for a term of ten years. Judges must be at least 30 years old and must have a university level education and at least ten years of legal professional work or legal academic work. The Chairperson of the Constitutional Court as well as the Deputy are elected for a period of three years from among the members of the Constitutional Court by an absolute majority of the entirety of the Latvian judiciary by secret vote.

112. (U) The entire body of the Constitutional Court reviews matters on compliance of laws passed by parliament and regulations approved by the Cabinet of Ministers with the Constitution. A panel of three

judges handles all other matters.

¶13. (U) The Constitutional Court is required to deliver their ruling within thirty days after the original court sitting accepting the case, although in more difficult cases, the court can grant itself an additional period of time to consider the case. The judgment is determined by majority vote. If one votes against the majority opinion, the opposing opinion is given to the court in writing and attached to the case. All judgments are final and are effective immediately and binding on all. However, should the court rule against the constitutionality of a treaty that has already entered into force, the legal situation is not as defined. (Comment: In theory, this could happen if Latvia and Russia exchange instruments of ratification on their border treaty before the Court rules on the claim by 20 members of parliament that the treaty violates the constitution. End comment.)

¶14. (U) To date, the Constitutional Court has received over 900 claims and has accepted for consideration more than 140. Approximately half of these cases are claims by individuals. As of the end of 2006, the Court has announced nearly 100 opinions.

¶15. (U) Comment: Little is expected to change in the structure and daily function of the Supreme Court once Gulans steps down as Chief of the Supreme Court in 2008. At this time, there has been no public speculation as to who would take his place, although the most likely candidate will be Gulans' deputy, Gunars Aigars, who currently heads the Civil Chamber. End Comment.

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